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SH2201446

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
08/14/2007	F.O.R. I EAST LOS ANGELES	☐	☒

Incident Information

URN: 007-09590-0271-013	Date: AUGUST 14, 2007 Time: 2359 HOURS
City or Station: EAST LOS ANGLES	Nature of Incident: DEPUTIES ALVA & PEDROZA CONTACT THE SUSPECT, WHILE HE WAS GRAFFITING. SUSPECT FIRED AT THE DEPUTIES. THE DEPUTIES RETURN FIRE STRIKING HIM.
Location: [redacted] NORTH HERBERT AVENUE	

Location Type (*circle one or more*):	Lighting (*circle only one*):	Incident Type (*circle one or more*):	Initiated by (*circle only one*):
Backyard	**Darkness** (circled)	Accidental	Arrest Warrant
Beach	Daylight	**Armed Person** (circled)	Call
Business	Other	Fleeing Suspect	**Observation** (circled)
Freeway	Street Lights	Foot Pursuit	One Person Unit
Industrial	Weather (*circle only one*):	Gun Take Away	Other
Park	**Clear** (circled)	Moving Vehicle	Search Warrant
Parking Lot	Cloudy	Sniper/Ambush	Two Person Unit
Residence	Fog	Startle	Prior Activity (*circle only one*):
Rural	Rain	Struggle Involved	Detective
School		Traffic Stop	Inmate Transport
Street (circled)		Unarmed Person	Other
Other: ______	Distance: 10-15 FEET	Unintentional	**Routine Patrol** (circled)
Total # of Shots Fired by Deputy: 20	Total # of Shots Fired by Suspect: 2359 HOURS	Vehicle Pursuit	Aero Unit? ☐
		Warrant Service	Canine Unit? ☐
		Warning Shot	
		Other: ______	

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I.	
Street Addre[redacted]	City [redacted]	Zip C[redacted]	[redacted]	Home Ph	
Last Name [redacted]		First Name [redacted]		M.I.	
Street Addre[redacted]	City [redacted]	Zip C[redacted]	[redacted]	Home Ph	
Last Name [redacted]		First Name [redacted]		M.I.	
Street Addre[redacted]	City [redacted]	Zip C[redacted]	[redacted]	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*):	
[redacted]	SHELDON	RALPH		**On Duty** (circled); Present during shooting	Witness to shooting; Involved in shooting
				On Duty; Present during shooting	Witness to shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	GONZALEZ	JOSE	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	BADALI	JOE	

PSTD Use Only
SH # SH2201446

Officer Involved Shooting

URN: 007-09590-0271-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08/13/2007	0230		

Employee #	Last Name	First Name	M.I
[redacted]	BERG	MIKE	
[redacted]	ANDERSON	CLAY	
[redacted]	FREDERICKS	STEFANIE	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E1	S	FH	BR	9	Y	Y	DH	CH
E2	S	FH	BR	9	Y	Y	DH	HD
S	E1	FH	DA	WW				

Officer Involved Shooting
Involved Employee Information

URN: 007-09590-0271-013

Involved Employee

E 1

Employee # [redacted]	Last Name PEDROZA	First Name RICARDO	M.I.
Sex: M Race: H	Rank: DEPUTY	Unit Assignment: ELA STA	Work Assignment (Unit #, Module, etc.): 26A
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): Regular **Overtime** Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name: N/A	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 509	Weight: 185		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: BERETTA	Caliber: 9	# Shots: 15	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name N/A	First Name	M.I.

E 2

Employee # [redacted]	Last Name ALVA	First Name LUIS	M.I.
Sex: M Race: H	Rank: DEPUTY	Unit Assignment: ELA STA	Work Assignment (Unit #, Module, etc.): 26A
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): Regular **Overtime** Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 5-6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 508	Weight: 175		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: BERETTA	Caliber: 9	# Shots: 5	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name N/A	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber:	# Shots:	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 007-09590-0271-013

Suspect Information

S 1

Last Name RODRIGUEZ	First Name PETER	M.I.
AKA Last Name	First Name	M.I.

Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone:	Social Security #:	Driver's License #: [redacted]
Age: 23 D.O.B. 07/19/83	Height: 509 Weight: 150	FBI # [redacted]	CII # [redacted]
Booking # N/A	Primary Charge:	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2007-05926	Intoxication/Drug Usage? ☒	Substance Used: MARIJUANA
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make N/A		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]		M.I.
Street Address [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

INVESTIGATIVE SUMMARY
DEPUTY-INVOLVED-HIT SHOOTING
IAB SH2201446
URN 007-09590-0271-013

On Monday, August 13, 2007, Sergeants Mike Berg, Clay Anderson, and Stefanie Fredericks of the Internal Affairs Bureau responded to the 1500 block of North Herbert Avenue, Los Angeles, regarding Deputies Ricardo Pedroza and Luis Alva's on-duty Deputy involved hit shooting.

On Monday, August 13, 2007, at approximately 2359 hours, Deputies Ricardo Pedroza and Luis Alva were working overtime in Unit 26A PM shift. Deputy Pedroza was the driver and Deputy Alva was the bookman. They were driving an unmarked Sheriff's Crown Victoria which was equipped with a solid red light in the upper middle portion of the front windshield, with spotlights on the front driver and passenger's side doors, red and yellow lights in the rear window area, and a siren. Their primary function was to conduct directed patrol, make observation arrests, and focus on gang members.

The Deputies drove west on Whiteside Street, approaching the intersection of Whiteside Street and Herbert Avenue. The Deputies saw Suspect Peter Rodriguez spray painting graffiti on a fence along the east sidewalk of Herbert Avenue. The Deputies saw Suspect Rodriguez holding a spray can in his right hand. The Deputies positioned their vehicle in the north lanes of Herbert Avenue, facing Southeast, and activated their emergency lights to confront Suspect Rodriguez. Deputy Pedroza ordered Suspect Rodriguez several times to drop the spray can. Suspect Rodriguez finally tossed the spray can in the direction of North Herbert Avenue, a few feet in front of the Deputy Sheriff's vehicle.

Suspect Rodriguez then reached into his waistband with his right hand and retrieved a handgun. Deputy Pedroza ordered Suspect Rodriguez several times to drop the weapon. Suspect Rodriguez ignored the commands and pointed the handgun at the Deputies. The Deputies heard Suspect Rodriguez fire a round from his handgun. The Deputies, fearing for their lives, returned gunfire from their duty weapons, striking Suspect Rodriguez multiple times.

Los Angles County Fire Engine #1 and Squad # 3, under the command of Captain Murro, responded to the scene and treated Suspect Rodriguez for his injuries. Suspect Rodriguez was transferred by Care Ambulance #12 to County U.S.C. Medical Center. Suspect Rodriguez was listed as death imminent. On Tuesday, August 14, 2007 at 1657 hours, Suspect Rodriguez was pronounced dead by Doctor Lydia.

IAB Acting Lieutenant Mike Berg checked to see that the Watch Commander, Lieutenant Joe Badali, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, IAB Acting Lieutenant Mike Berg checked to see if Lieutenant Joe Badali attempted to have involved and witness personnel gather in the company of a supervisor until they had provided a statement to the assigned investigators.

INVOLVED PERSONNEL:

Deputy Ricardo Pedroza #[redacted]
Field Operations I
East Los Angeles Station

Employee Work History:



Date of Employment	**02/1995**
Date Assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

Deputy Luis Alva #[redacted]
Field Operations I
East Los Angeles Station

Employee Work History:



Date of Employment	**12/1996**
Date Assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

SUSPECT:

Peter Rodriguez Jr. Male Hispanic 23 10/07/1983

Criminal background: A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Suspect Rodriguez had been [redacted] (CII# [redacted] Refer to the CCHRS and RAPS printouts included under **Exhibit A, pages 49-63.**

WITNESSES:

Sworn:

None

Civilian:

[redacted]

INJURIES:

Suspect:

Suspect Peter Rodriguez suffered fifteen (15) gunshot wounds to his body. The potential fatal rounds were the right chest, upper portion of the buttocks, left hip, left thigh, left leg, and the left portion of the head. Refer to Homicide Book, **Exhibit A, page 35** and for the complete Autopsy report **pages 65-112**.

Deputy:

Deputy Pedroza sustained minor abrasions on his forehead, nose and left cheek. The abrasions may have been caused from the shattered rear window glass or from fragmented pieces from the door panel. Deputy Pedroza did not require medical attention.

Deputy Alva fell on the ground after exiting his vehicle. Deputy Alva sustained a minor abrasion on his right knee. Deputy Alva did not require medical attention.

Civilian:

No Civilians were injured.

PHYSICAL EVIDENCE:

The Crime Lab report is located inside the Homicide Book, **Exhibit A, pages 36-38,** also located on the pages is the Physical Evidence gathered at the crime scene and processed by the Sheriff's Crime Lab. The crime scene sketch is located in **Exhibit C**. And photographs of the scene are located in **Exhibit B.**

HOMICIDE INVESTIGATORS OBSERVATIONS:

The physical evidence at the shooting scene, location of the vehicle, and expended rounds appear to be consistent with the Deputies' versions of the event. Refer to Homicide Book, **Exhibit A, pages 1-28** for the first report and supplemental report of the incident. Also, refer to Homicide Book, **Exhibit A, pages 29-35** for Homicide Investigators' report.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Ricardo Pedroza

Firearm: Beretta 92F, 9mm Luger Caliber, serial [redacted] fifteen (15) rounds of duty issued 9mm ammunition were fired. Pedroza carried his weapon with fifteen (15) rounds in the magazine and one (1) in the chamber. Following the shooting, he had reloaded his Beretta. Pedroza's new magazine had fifteen (15) rounds and one (1) in the chamber. Pedroza's expended magazine had no rounds (0) in the magazine. Refer to the Crime Lab examination of Pedroza's weapon inside **Exhibit A,** from inside the Homicide Book, lab receipt J903021, **pages 39-48.**

Deputy Luis Alva

Firearm: Beretta 92F, 9mm Luger Caliber, serial #BE[redacted] Five (5) rounds of duty issued 9mm ammunition were fired. Alva carried his weapon with fifteen (15) rounds in the magazine and one (1) round in the chamber. Following the shooting, he had ten(10) rounds in the magazine and one (1) round in the chamber. Refer to the Crime Lab examination of Alva's weapon **Exhibit A**, from Homicide Book, lab receipt #J903022, **pages 39-48**.

WEAPONS USED BY SUSPECT:

Suspect Peter Rodriguez

Firearm: Davis P-380, .380 automatic caliber, the serial number was obliterated. One (1) casing was located in front of [redacted] The pistol had one (1) round in the chamber and four (4) rounds inside the magazine. Refer to Homicide Book, Exhibit A, **pages 38-48.**

PROPERTY DAMAGE:

Deputies Pedroza and Alva's Sheriff vehicle's rear window was shattered by a bullet or bullets; one bullet perforated the Deputies' driver's door panel. One bullet perforated the fence along the property line of [redacted] three bullets grazed the same fence, and one bullet hole perforated the left front quarter panel of a Nissan sedan which was parked in the driveway of [redacted] Refer to **Exhibit A,** inside Homicide Book, **page 37** for the supplemental report.

CRIMINAL INVESTIGATORS and CHARGES FILED:

Suspect Peter Rodriguez

Deceased

LIGHTING OR WEATHER CONDITIONS:

The Deputies' vehicle front headlamps illuminated the scene. The sky was clear and the temperature was approximately 65 degrees.

INVOLVED EMPLOYEES' STATEMENTS:

Deputies Ricardo Pedroza and Luis Alva were interviewed by Homicide Investigators Detectives Philip Guzman and Boyd Zumwalt on Tuesday, August 14, 2007. Refer to **Exhibit A**, inside Homicide Book, **pages 31-33,** for a summary of the interviews. The following summaries are from Sheriff's Homicide Investigators interview and from An Internal Affairs Bureau interview conducted by Sergeants Tim Carr and Owen Tong.

Deputy Ricardo Pedroza

On Monday, August 13, 2007, Deputy Ricardo Pedroza was the driver of Unit 26A and Deputy Luis Alva was the bookman. As the Deputies were traveling west on Whiteside Street, approaching the intersection of Whiteside Street and Herbert Avenue, Deputy Pedroza looked south and saw Suspect Rodriguez spray painting graffiti on a fence along the east sidewalk of Herbert Avenue. Deputy Pedroza alerted Deputy Alva about the graffiting. Deputy Pedroza was surprised that Suspect Rodriguez was graffiting a fence in a very visible area.

The Deputies saw Suspect Rodriguez holding a spray can in his right hand. Deputy Pedroza positioned his vehicle across the north lanes of Herbert Avenue, facing southeast, and activated the emergency lights to confront Suspect Rodriguez. Deputy Pedroza believed his vehicle's position would ensure a better approach and allow him and Deputy Alva to be closer to Suspect Rodriguez in case he (Rodriguez) ran away. As Deputy Pedroza was driving toward Suspect Rodriguez, he removed his duty weapon with his right hand and placed it between his legs. Deputy Pedroza stopped his vehicle approximately ten to fourteen feet away from Suspect Rodriguez, Deputy Pedroza remembered hearing in the news media that suspects graffiting had shot at citizens.

Deputy Pedroza yelled out through his open driver's side window, "Sheriff's Department, let me see your hands!" Suspect Rodriguez turned very slowly, slightly to his left, toward the Deputies' vehicle, still holding the spray can in his right hand and nothing in his left hand. Deputy Pedroza ordered Suspect Rodriguez between fifteen and twenty times to drop the spray can and show his hands, but he ignored the commands. Deputy Pedroza said Suspect Rodriguez' slow movements were a red flag type of warning to him.

Deputy Pedroza remained in his vehicle, and ordered him again to drop the spray can. Suspect Rodriguez threw the spray can approximately two to three feet to the north in front of him. The left side of Suspect Rodriguez' front torso faced Deputy Pedroza as he heard the spray can hit the ground. As Suspect Rodriguez looked at Deputy Pedroza, his eyes appeared to be glazed over. Deputy Pedroza believed he was under the influence of a drug or possibly had a mental condition.

Deputy Pedroza opened his driver's door slightly and continued to yell at Suspect Rodriguez to show his hands. Suspect Rodriguez lifted the bottom of his shirt slightly with his left hand and reached into his waistband with his right hand, retrieving a black handgun. As Deputy Pedroza saw the gun, he began pointing his duty weapon at Suspect Rodriguez. Suspect Rodriguez pointed the black handgun at Deputy Pedroza. Deputy Pedroza continued to yell very loudly at Suspect Rodriguez to drop the handgun, but he would not comply. Deputy Pedroza leaned forward toward the steering wheel to make himself a smaller target.

Deputy Pedroza heard one loud pop and saw the muzzle flash of Suspect Rodriguez' handgun. Deputy Pedroza thought Suspect Rodriguez was trying to kill him. Deputy Pedroza, fearing for his life, fired his duty weapon with his right hand at Suspect Rodriguez. Deputy Pedroza's handgun was in between the driver's door and vehicle frame. Deputy Pedroza fired several rounds at Suspect Rodriguez because (Rodriguez) was still pointing his handgun at him and advancing, taking three to four steps in Deputy Pedroza's direction.

> **IAB Note:** One bullet hole perforated the interior driver's door panel of the Deputies' vehicle. The bullet traveled from back to front. Refer to Homicide book, inside **Exhibit A, page 37.**

The following text is from Deputy Pedroza's Internal Affairs Bureau **transcribed interview** located on **page 6.**

> I remember shooting at him, but, uhm, he's still standing there, he's still holding the gun. It's the first shooting I've been involved in and I can tell you, I use a nine-millimeter Beretta, it's nothing like what I imagined in the movies where you shoot a guy and he just falls. I'm hitting the guy, he's still standing, he's still holding the gun. I think that I was hitting him because I could hear him grunting, but he's not falling, and he's still holding the gun, and he's now -- because of the way I'm hitting him, he's actually kind of almost advancing a couple steps toward me. And then at some point I remember just continuing to fire and thinking to myself, when is this guy gonna fall. And then finally he does fall.

Suspect Rodriguez finally fell forward and Deputy Pedroza saw Suspect Rodriguez' handgun fall to the ground. Deputy Pedroza's backdrop was the white fence and trees behind Suspect Rodriguez. Once Suspect Rodriguez fell to the ground, Deputy Pedroza lost sight of him, so he backed his vehicle approximately ten to fifteen feet and was able to again see Suspect Rodriguez. Deputy Pedroza immediately broadcasted over the Sheriff's radio that he and Deputy Alva had been involved in a shooting, and requested five additional Sheriff's Units and the Fire Department.

Deputy Pedroza exited his vehicle and walked to the rear of the vehicle. As Deputy Pedroza was walking, he saw Deputy Alva approximately twenty-feet behind their vehicle. Deputy Pedroza believed the rear of the vehicle was tactfully the safest place to be. Deputy Pedroza knew he fired a lot of rounds, so he reloaded his handgun. As Deputy Pedroza exchanged magazines, he saw that the magazine inside his handgun was empty. Deputy Pedroza estimated the entire incident lasted approximately one minute to one minute and thirty seconds. Deputy Pedroza estimated the shooting lasted between ten and fifteen seconds.

After additional Deputies arrived, Deputy Pedroza touched his nose and realized it was bleeding. Deputy Pedroza said he sustained a minor scratch to his nose. Deputy Pedroza believed he might have received the injury from the damaged rear window or metal shrapnel from inside his vehicle.

Refer to **Exhibit B** for photographs of the scene and **Exhibit C** for Deputy Pedroza's diagram of the scene.

Deputy Luis Alva

On Monday, August 13, 2007, Deputy Luis Alva was the bookman of Unit 26A and Deputy Ricardo Pedroza was the driver. As the Deputies were traveling west on Whiteside Street, approaching the intersection of Whiteside Street and Herbert Avenue, Deputy Pedroza alerted Deputy Alva that Suspect Rodriguez was graffiting the fence on the east side of Herbert Avenue. The Deputies confronted Suspect Rodriguez graffiting the fence while inside their vehicle.

As Deputy Alva was sitting in the passenger seat, he heard Deputy Pedroza order Suspect Rodriguez to show his hands and drop the spray can. Deputy Alva saw Suspect Rodriguez holding the spray can in his right hand. Deputy Alva believed Suspect Rodriguez was going to run away, so he opened his passenger door very quickly in order to detain him. Deputy Alva momentarily took his eyes off of Suspect Rodriguez and focused on exiting the vehicle.

Deputy Alva continued to hear Deputy Pedroza order Suspect Rodriguez several times to show his hands and drop the spray can. Deputy Alva also heard the sound of the spray can drop on the cement. After exiting the vehicle, Deputy Alva saw Suspect Rodriguez holding a handgun in his right hand and then heard a popping sound. As Deputy Alva heard the popping noise, he stumbled and fell to the ground, landing on his knees. Deputy Alva took cover behind the front passenger side fender and pointed his duty weapon at Suspect Rodriguez. Deputy Alva saw Suspect Rodriguez walking toward Deputy Pedroza, taking three to four steps as he was firing his weapon. Deputy Alva, fearing for his and Deputy Pedroza's safety, fired several rounds at Suspect Rodriguez. During the shooting, Deputy Alva heard the shattering of their vehicle's rear windshield. Deputy Alva saw Suspect Rodriguez fall to the ground and then saw Deputy Pedroza put their vehicle in reverse and back up.

Deputy Alva estimated that he was five to seven feet away from Suspect Rodriguez during the shooting. Deputy Alva estimated the shooting lasted between forty-five seconds to one minute. Deputy Alva's backdrop was the chainlink fence with the white privacy slats in between the chainlink. Deputy Alva walked to the rear of their vehicle and reunited with Deputy Pedroza. Deputy Alva took a deep breath and prepared to broadcast over the Sheriff's radio that he and Deputy Pedroza had been involved in a shooting. However, Deputy Pedroza initiated the broadcast over Sheriff's radio before Deputy Alva, that they had been in a shooting.

Deputies Alva and Pedroza checked each other to verify that they were okay. Deputy Alva assisted East Los Angeles Deputies and formed an arrest team. Suspect Rodriguez was handcuffed by the arrest team and Los Angles County Fire Engine #1 and Squad # 3, under the command of Captain Murro provided first aid.

Refer to **Exhibit B** for photographs of the scene and **Exhibit C** for Deputy Alva's diagram of the scene.

DEPARTMENT WITNESS STATEMENTS:

None

NON-DEPARTMENT WITNESS STATEMENTS:

Witnesses:

Sheriff's Homicide Investigators Detectives Guzman and Zumwalt interviewed [redacted] regarding the deputy involved hit shooting. Refer to **Exhibit A,** Homicide Book, **pages 30-31** for a summary of the interview. Also East Los Angeles Sheriff's Station Deputies spoke to several witnesses that heard gunshots only. Refer to **Exhibit A**, Homicide Book, **pages12-14** and **17-18**.

SUSPECT STATEMENTS:

Suspect Peter Rodriguez (Deceased)



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

May 14, 2008

Captain James Curtis
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #: 07-0505
L.A.S.D. File #: 007-09590-0271-013

Dear Captain Curtis:

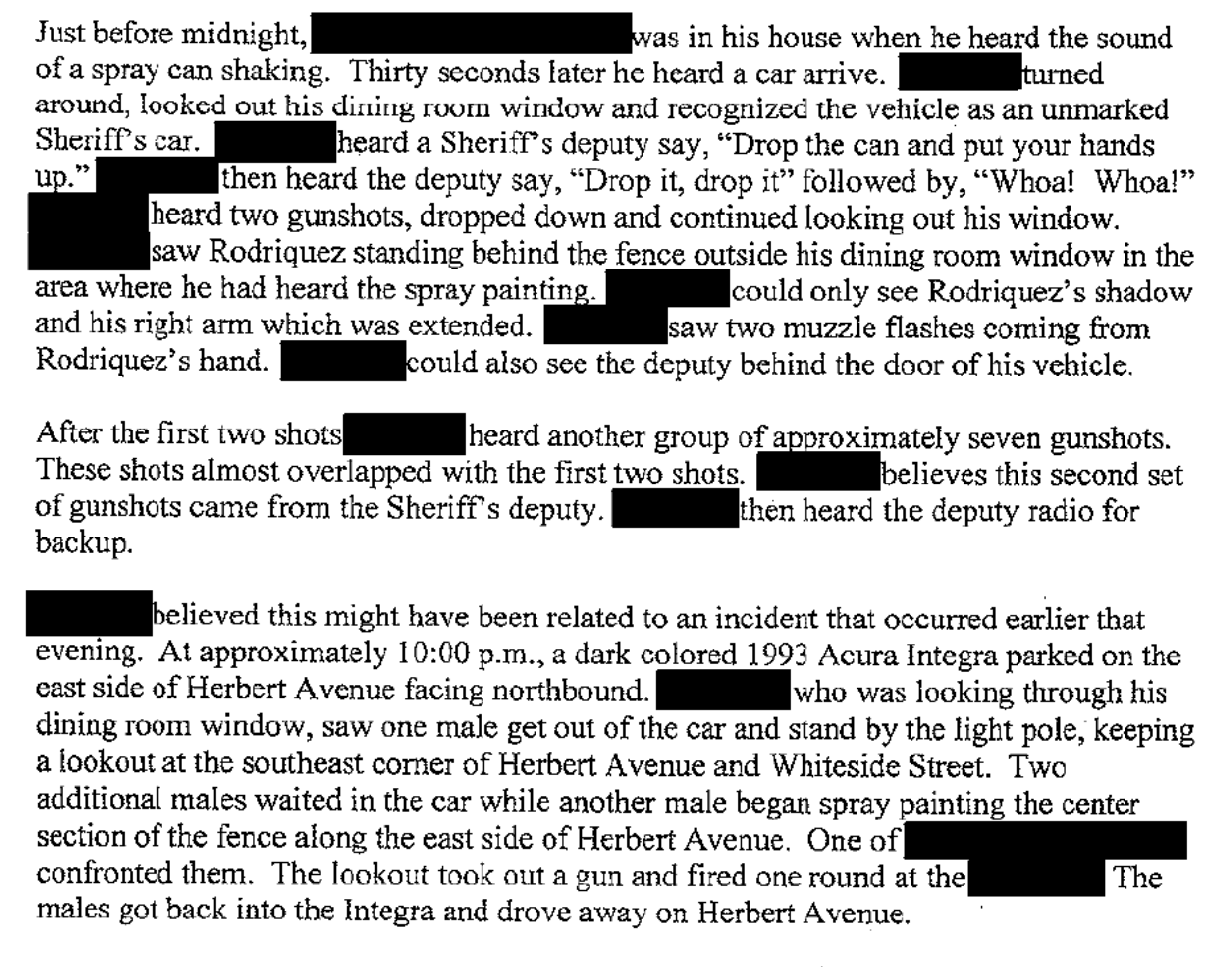
The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 13, 2007, fatal shooting of Peter Rodriguez Jr. by Los Angeles County Sheriff's Deputies Ricardo Pedroza and Luis Alva. We have determined that Deputies Pedroza and Alva acted lawfully in self-defense and the defense of others.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD) Homicide Bureau, submitted to this office on February 13, 2008, by Detectives Boyd Zumwalt and Philip Guzman. No compelled statements were considered. The District Attorney Command Center was notified of this shooting at 12:30 a.m. on August 14, 2007. The District Attorney Response Team, consisting of Deputy District Attorney Sean Hassett and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the incident and a "walk through" of the scene by Lieutenant Gil Carrillo.

FACTUAL ANALYSIS

On August 13, 2007, at approximately 11:59 p.m., Los Angeles County Sheriff's Deputies Ricardo Pedroza and Luis Alva were on patrol in full uniform, driving an unmarked grey Ford Crown Victoria equipped with spotlights on either side, forward and rear facing emergency lights and a siren. Pedroza and Alva were driving westbound on

Whiteside Street, turning southbound onto Herbert Avenue when they observed Peter Rodriquez Jr. standing on the east sidewalk spray painting graffiti on a fence. Deputy Pedroza stopped the vehicle, activated the red light and ordered Rodriquez to drop the can of spray paint. Rodriquez dropped the can and produced a .380 caliber semiautomatic handgun from his waistband. Rodriquez fired two rounds at Deputy Pedroza. Fearing for their lives, Pedroza and Alva returned fire fatally wounding Rodriquez.



Just before midnight, [redacted] was in his house when he heard the sound of a spray can shaking. Thirty seconds later he heard a car arrive. [redacted] turned around, looked out his dining room window and recognized the vehicle as an unmarked Sheriff's car. [redacted] heard a Sheriff's deputy say, "Drop the can and put your hands up." [redacted] then heard the deputy say, "Drop it, drop it" followed by, "Whoa! Whoa!" [redacted] heard two gunshots, dropped down and continued looking out his window. [redacted] saw Rodriquez standing behind the fence outside his dining room window in the area where he had heard the spray painting. [redacted] could only see Rodriquez's shadow and his right arm which was extended. [redacted] saw two muzzle flashes coming from Rodriquez's hand. [redacted] could also see the deputy behind the door of his vehicle.

After the first two shots [redacted] heard another group of approximately seven gunshots. These shots almost overlapped with the first two shots. [redacted] believes this second set of gunshots came from the Sheriff's deputy. [redacted] then heard the deputy radio for backup.

[redacted] believed this might have been related to an incident that occurred earlier that evening. At approximately 10:00 p.m., a dark colored 1993 Acura Integra parked on the east side of Herbert Avenue facing northbound. [redacted] who was looking through his dining room window, saw one male get out of the car and stand by the light pole, keeping a lookout at the southeast corner of Herbert Avenue and Whiteside Street. Two additional males waited in the car while another male began spray painting the center section of the fence along the east side of Herbert Avenue. One of [redacted] confronted them. The lookout took out a gun and fired one round at the [redacted] The males got back into the Integra and drove away on Herbert Avenue.

At approximately 12:01 a.m. Deputies Pedroza and Alva made an emergency assistance request indicating they had been involved in a shooting with an armed suspect. Deputy P. Cruz arrived on scene and saw Rodriquez wearing dark clothing lying on the east side of Herbert Avenue. Cruz along with Deputies [redacted] and S. Banks formed an arrest team and approached Rodriquez. As Cruz approached Rodriquez he observed a small semiautomatic handgun lying on the ground a few feet away from Rodriquez. Cruz handcuffed Rodriquez and searched him for additional weapons.

One Davis .380 Auto caliber model P-380 semiautomatic pistol with an obliterated serial number was recovered a few feet away from Rodriquez. The safety was off, one

cartridge was in the chamber and four cartridges were in the magazine.[1] One expended .380 caliber cartridge case and one live .380 caliber cartridge were recovered from the scene. Four additional .380 caliber cartridges were recovered from Rodriquez's pants.

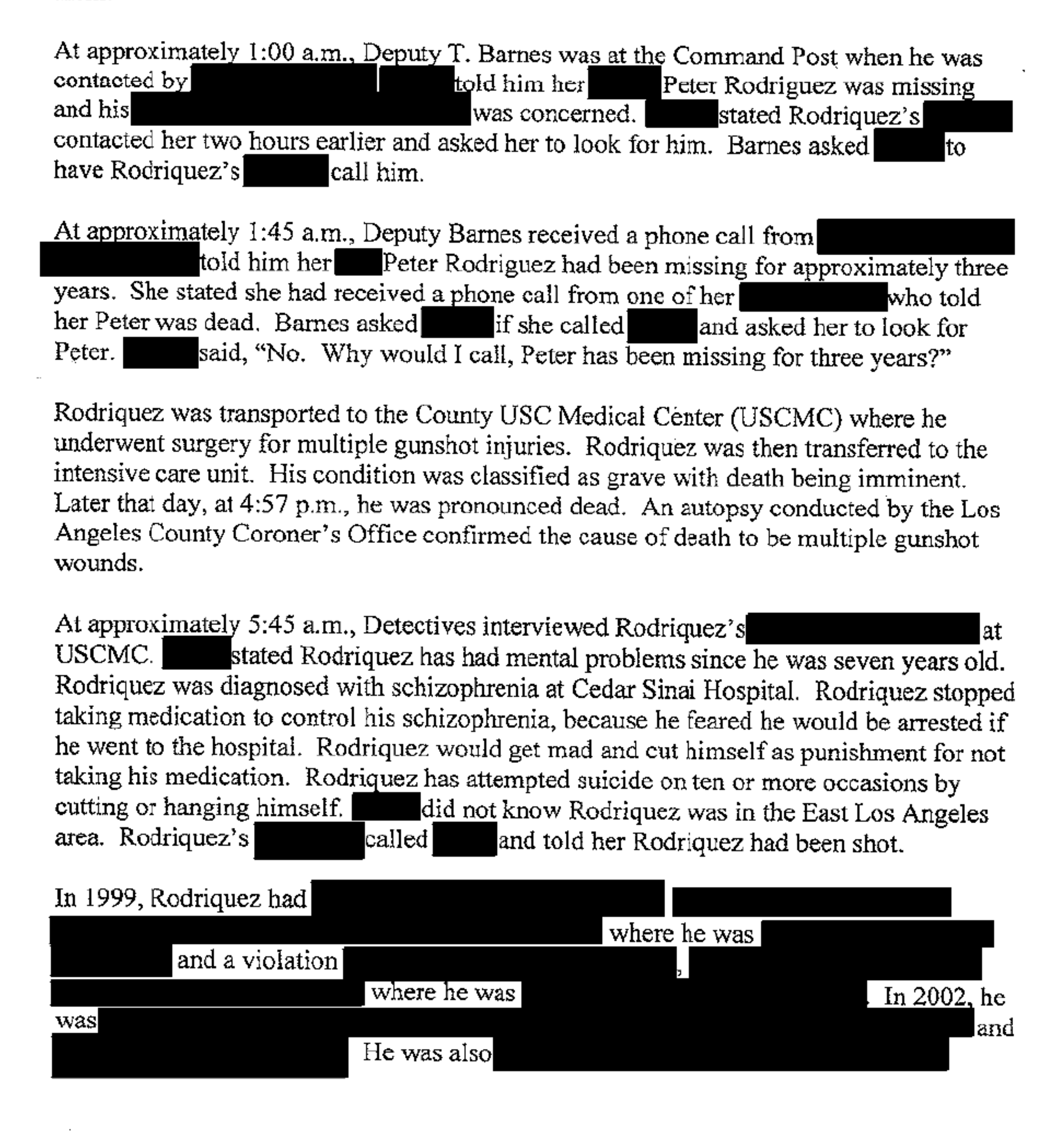
The unmarked patrol vehicle sustained a shattered rear window.[2] The vehicle also sustained bullet damage to the interior of the driver side door.[3] Deputy Pedroza was bleeding from a scratch on his cheek below his left eye. Deputy Alva suffered abrasions to his right knee and elbow. Deputies Pedroza and Alva declined medical attention. No other deputies or persons were injured.

Deputy Pedroza stated he was driving west on Whiteside Avenue approaching Herbert Avenue when he looked to his left and saw Rodriquez on the east sidewalk, with a can of spray paint in his right hand, vandalizing a wall. Pedroza turned left, drove south in the northbound lanes of Herbert Avenue and stopped the vehicle approximately 12 to 15 feet from Rodriquez. Rodriquez, whose back was to them, did not appear to be aware of their presence as he continued to spray paint graffiti on the wall. Pedroza announced, Sheriff! Drop the spray can!" Rodriquez continued to hold the spray paint can in his right hand. Pedroza ordered Rodriguez to, "Let me see your hands." Rodriquez then dropped the spray can and reached for his waistband. Pedroza, fearing that Rodriquez might be going for a gun, immediately drew his pistol and began raising it up. Rodriquez removed a gun from his waistband and pointed it at Pedroza. Pedroza was still in his vehicle with his left foot out of the car when he saw Rodriquez extend the gun towards him. Pedroza heard a loud "pop" and realized Rodriquez was shooting at him. Pedroza does not know how many times Rodriquez fired at him. Fearing for his safety, Pedroza fired 16 continuous rounds at Rodriquez. Pedroza felt as if the shots were having no effect because Rodriquez was advancing on him. Rodriquez then fell to the ground and Pedroza lost sight of him. Pedroza backed up the vehicle approximately ten feet until he could see Rodriquez and initiated a radio call advising Sheriff's Communications Center (SCC) of the situation. Pedroza was unaware of where Deputy Alva was at the time of the shooting or if he had fired his gun. Afterwards, Pedroza noticed he had blood on his face and realized he had scratches on his cheek below his left eye and on his nose.

Deputy Alva stated he and Deputy Pedroza observed Rodriquez spray painting a fence on the east side of Herbert Avenue. Pedroza stopped their vehicle, activated the forward facing red light and ordered Rodriquez to drop the can of spray paint and put his hands in the air. As Alva was getting out of the car to detain Rodriquez, he heard Pedroza say, "Let me see your hands, let me see your hands!" Alva heard two to three "popping" sounds and saw Rodriquez shooting at Pedroza. Alva started to draw his weapon and fell to the street, suffering abrasions to his right knee and elbow, and tearing his uniform pants. Alva got up and moved toward the front of the car. Alva saw Rodriquez walking

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[1] The .380 pistol and the five live rounds were processed for prints. No latent prints were developed.
[2] The most likely path of the bullet that shattered the rear window was through the open driver's window and door of the vehicle.
[3] Deputy Pedroza inadvertently fired one round into the interior of his driver side door.



toward the driver side of their car and pointing his gun in the direction of where Alva thought Pedroza was positioned. Alva's attention was focused on Rodriquez and he could not see Pedroza. Alva, fearing for Pedroza's life, fired twice at Rodriquez. Rodriquez then fell to the ground. Pedroza radioed SCC and advised them of the shooting. Alva and Pedroza held Rodriquez at gunpoint until assisting units arrived. Alva never heard Rodriquez say anything during the entire incident. Alva initially thought they were witnessing a simple vandalism and Rodriquez was going to run from them.

At approximately 1:00 a.m., Deputy T. Barnes was at the Command Post when he was contacted by [redacted] told him her [redacted] Peter Rodriguez was missing and his [redacted] was concerned. [redacted] stated Rodriquez's [redacted] contacted her two hours earlier and asked her to look for him. Barnes asked [redacted] to have Rodriquez's [redacted] call him.

At approximately 1:45 a.m., Deputy Barnes received a phone call from [redacted] told him her [redacted] Peter Rodriguez had been missing for approximately three years. She stated she had received a phone call from one of her [redacted] who told her Peter was dead. Barnes asked [redacted] if she called [redacted] and asked her to look for Peter. [redacted] said, "No. Why would I call, Peter has been missing for three years?"

Rodriquez was transported to the County USC Medical Center (USCMC) where he underwent surgery for multiple gunshot injuries. Rodriquez was then transferred to the intensive care unit. His condition was classified as grave with death being imminent. Later that day, at 4:57 p.m., he was pronounced dead. An autopsy conducted by the Los Angeles County Coroner's Office confirmed the cause of death to be multiple gunshot wounds.

At approximately 5:45 a.m., Detectives interviewed Rodriquez's [redacted] at USCMC. [redacted] stated Rodriquez has had mental problems since he was seven years old. Rodriquez was diagnosed with schizophrenia at Cedar Sinai Hospital. Rodriquez stopped taking medication to control his schizophrenia, because he feared he would be arrested if he went to the hospital. Rodriquez would get mad and cut himself as punishment for not taking his medication. Rodriquez has attempted suicide on ten or more occasions by cutting or hanging himself. [redacted] did not know Rodriquez was in the East Los Angeles area. Rodriquez's [redacted] called [redacted] and told her Rodriquez had been shot.

In 1999, Rodriquez had [redacted] where he was [redacted] and a violation [redacted], [redacted] where he was [redacted]. In 2002, he was [redacted] and [redacted] He was also [redacted]



[redacted] and [redacted] In 2004, he was [redacted]

CONCLUSION

Pursuant to California law, a person is justified in using deadly force in self-defense when that person reasonably believes that he or she is in imminent danger of being killed or suffering great bodily injury and that the use of deadly force is necessary to protect against that danger. *Judicial Council of California Criminal Jury Instructions (CALCRIM) 505.* People v. Williams, (1977) 75 Cal.App.3d 731.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. *Graham v. Conner, (1989) 490 U.S. 386, 396-397.*

The evidence examined in this investigation indicates that Peter Rodriquez Jr. was spray painting graffiti on a wall when Deputies Ricardo Pedroza and Luis Alva drove up in an unmarked police vehicle. Rodriguez dropped the can of spray paint he was using and produced a .380 semiautomatic handgun from his waistband. Rodriquez fired at Deputy Pedroza, shattering the rear window of their vehicle. Fearing for his life, Deputy Pedroza returned fire. Deputy Alva, who was in the process of exiting the vehicle to take Rodriquez into custody, observed Rodriquez begin to shoot at Deputy Pedroza. Fearing for his partner's life, Deputy Alva fired at Rodriquez. Rodriquez fell to the ground fatally wounded.